

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

MICHAEL BRIAN FEWELL,

Plaintiff,

v.

Civ. No. 21-398 KG-SCY

MARTIN O'MALLEY,
Commissioner of Social Security,

Defendant.

ORDER ADOPTING PROPOSED FINDINGS AND RECOMMENDATION

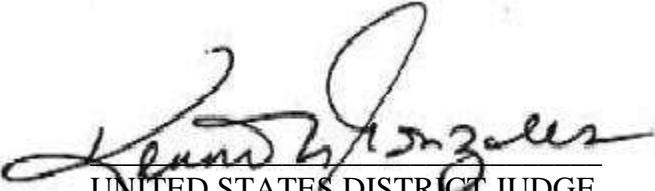
This matter is before the Court on Magistrate Judge Steven C. Yarbrough's June 27, 2024 Proposed Findings And Recommended Disposition ("PFRD"). Doc. 37. In that PFRD, Judge Yarbrough recommends that the Court grant in part the application for 42 U.S.C. § 406(b) fees in an amount of \$13,320. Judge Yarbrough notified the parties that they had 14 days from service of the PFRD to file any objections to the PFRD. *Id.* at 5. The parties have not filed any objections to the PFRD, thereby waiving their right to review of the proposed disposition. *See United States v. One Parcel of Real Prop.*, 73 F.3d 1057, 1060 (10th Cir. 1996). Furthermore, upon review of the PFRD, the Court concurs with Judge Yarbrough's findings and recommendation.

IT IS THEREFORE ORDERED THAT:

1. The Court ADOPTS Judge Yarbrough's Proposed Findings and Recommended Disposition (Doc. 37);
2. Plaintiff's Motion For Attorney's Fees Pursuant To 42 USC 406(B) (Doc. 35) is GRANTED IN PART AND DENIED IN PART; and

3. The Court hereby authorizes \$13,320 in attorney fees for legal services rendered in the United States District Court, payable to Decker Griffel, LLC, to be paid from the claimant's past-due benefits. Counsel must refund to Plaintiff any EAJA fees that were not previously garnished under the Treasury Offset Program.

SO ORDERED.



UNITED STATES DISTRICT JUDGE